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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,415	11/19/2003	Gunnar Behrens	HK-815	7259
24131	7590	08/17/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			MORRISON, THOMAS A	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			3653	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,415	BEHRENS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Morrison	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/19/03, 12/10/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (1) the vacuum pump recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: (a) the vacuum pump (e.g., vacuum pump on page 16, line 22) should be identified in the specification using a reference numeral, since it is a claimed element in claim 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what is meant by the recitation "closed by a **mechanical action of force** from an actuator". (emphasis added).

Regarding claim 6, it is unclear what is meant by the recitation "closing said valves by a **mechanical action of force**". (emphasis added).

Regarding claim 6, it is unclear how many pistons are claimed. Is there one piston disposed in each of the valves?

Regarding claim 7, it is unclear what is meant by the recited "a bush".

Regarding claim 9, it is unclear what is meant by the recited "an action of force".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,038,976 (Helmstadter et al.).

Regarding claim 1, Figs. 1-3 and 6 disclose a method for controlling vacuum distribution in an exposer (Fig. 1) for recording printing originals, which comprises the steps of:

holding firmly a recording material of a printing original on a supporting surface by vacuum (see Abstract), the recording material being attracted by suction by a vacuum pump (33) through suction grooves (44) machined into the supporting surface and through suction ducts (including 71) connected to the suction grooves (44); and

opening and closing the suction ducts (including 71) by manipulating valves (Fig. 6), the valves (Fig. 6) being closed by a mechanical action of force from an actuator (including 52), and the valves (Fig. 6) being opened by an action of compressed air (column 9, lines 42-55) on a piston (column 11, line 33) in each of the valves (Fig. 6).

Regarding claim 2, Fig. 2. and column 9, lines 49-53 disclose opening all of the valves simultaneously. More specifically, all of the elements 23a-23d are activated.

Regarding claim 3, Fig. 2 discloses integrating an outlet opening (including 57) for the compressed air into the actuator (including 52).

Regarding claim 4, Figs. 2 and 6 disclose disposing the suction ducts (including 71) and the valves (Fig. 6) in an exposure drum (16); and disposing the actuator (including 52) outside the exposure drum.

Regarding claim 5, the Abstract discloses that the exposer (Fig. 1) records on printing plates.

Regarding claim 6, Figs. 1-3 and 6 show an apparatus for controlling vacuum distribution in an exposer (Fig. 1) for recording printing originals, comprising:

a supporting surface (Fig. 2) for receiving a recording material (18) of a printing original, the supporting surface (Fig. 2) having suction grooves (44) machined therein and through the suction grooves (44) the recording material is attracted to the supporting surface (Fig.2) by suction;

suction ducts (including 71) connected to the suction grooves (44);

valves (Fig. 6) for opening and closing the suction ducts (including 71);

an actuator (including 52) for closing the valves (Fig. 6) by a mechanical action of force; and

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a piston (column 11, line 33) disposed in the valves (Fig. 6) and through the piston (column 11, line 33), the valves (Fig. 6) are opened by an action of compressed air (column 9, lines 42-55).

Regarding claim 7, Fig. 6 shows that that valves (Fig. 6) each contain: a bush (including 87) having a wall with drilled holes formed therein; and a piston rod (near 89) connected to the piston, the piston rod being displaced in the bush (including 87).

Regarding claim 8, Figs. 6 shows that the piston rod (near 89) closes and opens the drilled holes.

Regarding claim 9, Figs. 1-3 and 6 show that the actuator (including 52) closes a respective one of the valves (Fig. 6) by an action of force (e.g., air supplied to line 41) on the piston rod.

Regarding claim 10, Fig. 2 shows that the actuator (including 52) has an outlet opening (57) formed therein for channeling the compressed air.

Regarding claim 11, Fig. 6 shows a valve block having a negative-pressure duct (near 40) and a compressed-air duct (near 41 or near 42) formed therein, the valves connected to the negative-pressure duct and the compressed-air duct.

Alternatively, with regard to claim 11, Fig. 2 and column 11, lines 60-61 disclose a valve block (53) having a negative-pressure duct (41) and a compressed-air duct (42) formed therein, the valves connected to the negative-pressure duct and the compressed-air duct.

Regarding claim 12, the Abstract discloses the exposer (Fig. 1) records on printing plates.

5. Claims 1-2, 5-9 and 11-12, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,038,976 (Helmstadter et al.).

Regarding claim 1, Figs. 1-3 and 6 disclose a method for controlling vacuum distribution in an exposer (Fig. 1) for recording printing originals, which comprises the steps of:

holding firmly a recording material of a printing original on a supporting surface by vacuum (see Abstract), the recording material being attracted by suction by a vacuum pump (33) through suction grooves (44) machined into the supporting surface and through suction ducts (including 71) connected to the suction grooves (44); and

opening and closing the suction ducts (including 71) by manipulating valves (Fig. 6), the valves (Fig. 6) being closed by a mechanical action of force from an actuator (including 91, 92 and 95), and the valves (Fig. 6) being opened by an action of compressed air (column 9, lines 42-55) on a piston (column 11, line 33) in each of the valves (Fig. 6).

Regarding claim 2, Fig. 2. and column 9, lines 49-53 disclose opening all of the valves simultaneously. More specifically, all of the elements 23a-23d are activated.

Regarding claim 5, the Abstract discloses that the exposer (Fig. 1) records on printing plates.



Regarding claim 6, Figs. 1-3 and 6 show an apparatus for controlling vacuum distribution in an exposer (Fig. 1) for recording printing originals, comprising:

a supporting surface (Fig. 2) for receiving a recording material (18) of a printing original, the supporting surface (Fig. 2) having suction grooves (44) machined therein and through the suction grooves (44) the recording material is attracted to the supporting surface (Fig.2) by suction;

suction ducts (including 71) connected to the suction grooves (44);

valves (Fig. 6) for opening and closing the suction ducts (including 71);

an actuator (including 91, 92 and 95) for closing the valves (Fig. 6) by a mechanical action of force; and

a piston (column 11, line 33) disposed in the valves (Fig. 6) and through the piston (column 11, line 33), the valves (Fig. 6) are opened by an action of compressed air (column 9, lines 42-55).

Regarding claim 7, Fig. 6 shows that that valves (Fig. 6) each contain: a bush (including 87) having a wall with drilled holes formed therein; and a piston rod (near 84a) connected to the piston, the piston rod being displaced in the bush (including 87).

Regarding claim 8, Figs. 6 shows that the piston rod (near 84a) closes and opens the drilled holes.

Regarding claim 9, Fig. 6 shows that the actuator (including 91, 92 and 95) closes a respective one of the valves (Fig. 6) by an action of force on the piston rod (near 84a).

Regarding claim 11, Fig. 6 shows a valve block having a negative-pressure duct (near 40) and a compressed-air duct (near 41 or near 42) formed therein, the valves connected to the negative-pressure duct and the compressed-air duct.

Alternatively, with regard to claim 11, Fig. 2 and column 11, lines 60-61 disclose a valve block (53) having a negative-pressure duct (41) and a compressed-air duct (42) formed therein, the valves connected to the negative-pressure duct and the compressed-air duct.

Regarding claim 12, the Abstract discloses the exposer (Fig. 1) records on printing plates.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication No. 2001/0024014 discloses that it is well known to provide the surface of a drum with suction grooves.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/09/2006



**PATRICK MACKEY  
PRIMARY EXAMINER**